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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of decision: 16th July, 2024***

+ **CM(M) 2925/2024 & CM APPL. 39422/2024 & CM APPL.
39423/2024 (stay)**

DINESH BHAGAT

.....Petitioner

Through: Mr. Akash Chatterjee with Mr. Pranav
Gupta, Advocates.

versus

**RESIDENTS WELFARE ASSOCIATION CA BLOCK THROUGH
ITS PRESIDENT SH. M.K. SINGH**

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is aggrieved by the dismissal of his application which he had moved under Order VII Rule 11 of CPC. He was seeking rejection on twin ground. Firstly, that the suit was barred by law in terms of DDA Act, 1957 and secondly, that the suit was barred by limitation.
2. During course of the arguments, the grievance in the present petition has been merely confined to the aspect related to limitation.
3. According to learned counsel for the petitioner (defendant before the learned Trial Court), the plaintiff has sought relief which goes beyond the permissible period of limitation of three years and, therefore, the suit was liable to be rejected.
4. It is noticed that learned Trial Court is also fully conscious of the aforesaid fact and, thereafter, it observed that the aspect of limitation was a



mixed question of law and fact and, therefore, it could not be decided at the stage of adjudication of an application moved under Order VII Rule 11 of CPC.

5. Thus, by implication, the issue of limitation is still very much alive before the learned Trial Court.

6. Needless to observe, the Court would at the time of final adjudication would consider as to whether there is any relief which was time-barred in nature.

7. Be that as it may, I do not find any jurisdictional error in the impugned order.

8. The petition is, hereby, dismissed.

(MANOJ JAIN)
JUDGE

JULY 16, 2024/sw